

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 DIRECTV, INC.,

No. C 04-03529 CRB

12 Plaintiff,

**ORDER RE: REPORT AND  
RECOMMENDATION OF  
MAGISTRATE JUDGE**

13 v.

14 DURK HONG aka DOUG HONG,

15 Defendant.  
16 \_\_\_\_\_/

17 The Court has reviewed Magistrate Judge Edward Chen's Report and  
18 Recommendation regarding plaintiffs' motion for default judgment and has also considered  
19 plaintiff's objections to the Report. Although the Court finds the Report well-reasoned and  
20 thorough, the Court takes a different position with respect to how judicial discretion should  
21 be exercised in this context. See Memorandum and Order Granting Motion to Enter Default  
22 Judgment, DirecTV Inc. v. Huynh, No. 04-3496 CRB (N.D. Cal. May 31, 2005) (setting forth  
23 this Court's position with respect to DirecTV default cases).

24 The complaint in this action alleges that defendant purchased a "Wildthing 3  
25 Unlooper," a "L'il Black Box w/ clone," a "Virgin Plastic Card," and a "Brick Wall for L'il  
26 Black Box." As stated by this Court in Huynh, allegations such as these--particularly the  
27 defendant's purchase of the "Unlooper"--are sufficient to merit entry of default judgment and  
28 an award of damages in the amount of \$10,000. The Court also has determined that

attorneys' fees and costs should be reduced to \$2,000.

Accordingly, the Court ADOPTS IN PART the Report and Recommendation. Default judgment is hereby entered in favor of plaintiff and against defendant. Defendant Durk Hong is hereby ORDERED to pay to plaintiff DirecTV, Inc. \$12,000.

**IT IS SO ORDERED.**

Dated: May 31, 2005

/s/  
CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California